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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/557,272

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EXAMINER

SHAH, TUSHAR S

ART UNIT

PAPER NUMBER

2184

MAIL DATE

DELIVERY MODE

12/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/557,272	Applicant(s) TAKAYAMA ET AL.	
	Examiner TUSHAR S. SHAH	Art Unit 2184	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the amendment filed on August 21st, 2008.

Status of Claims

Claims 7-12 are pending, of which claims 7, 8, 11 and 12 are in independent form.

Response to Arguments

1. Applicant's arguments, see page 1, paragraph 2, filed on August 21st, 2008, with respect to the drawings and specification have been fully considered and are persuasive. The objection of the drawings and specification has been withdrawn.
2. Applicant's arguments, see page 1, paragraph 3, filed on August 21st, 2008, with respect to the 101 rejection of claim 12 have been fully considered and are persuasive based on the amendments to claim 12. The rejection of claim 12 under USC 101 has been withdrawn.
3. Applicant's arguments filed on August 21st, 2008 have been fully considered but they are not persuasive.

Applicant has argued that the cited Kotola reference is not prior art under 102(e) because the filing date is March 19th, 2004 which is not earlier than the foreign priority date of the instant application, which is June 6th, 2003.

The Kotola reference is a Continuation-in-Part of Application No. 10/105,320 which was filed on March 26th, 2002. Under USC 102(e) the filing date of the parent application can be used as the effective filing date for the child. Therefore the Kotola reference is available as prior art. The rejection under USC 102(e) is maintained and repeated below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kotola et al. US publication No. 2004/0176032 A1 (hereinafter Kotola).

Referring to claim 7, Kotola discloses, a communication system having a plurality of communication apparatuses (Mobile terminals 902 and 904, Kotola Fig. 9), each of the plurality of communication apparatuses comprising:

first communication mean (RF-ID Module 904 and 906, Kotola page 11, lines 2-3 and Fig. 9) for executing a communication between each communication apparatus and other communication apparatus by a first communication protocol (THE RF ID reader devices utilize the near field communication standard ECMA 340 to provide the RF ID functionality, Kotola page 7, paragraph 0073, lines 1-7);

exchange means (In response to RF ID Interrogation signal 910, the target responds with RF ID response signal 912 which includes the Bluetooth address of the Bluetooth module in the device, to begin the process of switching from NFC/RF-ID communications to Bluetooth, Kotola page 11, paragraph 0108 lines 6-13 and Figs. 9 and 9A) for exchanging communication information necessary to a communication executed by a second communication protocol (Bluetooth, Kotola, page 11, paragraph 0108 lines 11-13) included in a communication protocol available by the other communication apparatus between the communication apparatus and the other communication apparatus by the communication executed by the first communication protocol;

switching means (terminal control circuit, Kotola page 11, paragraph 0108, lines 18-21) for switching the communication between each communication apparatus and the other communication apparatus from the communication executed by the first

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communication protocol to the communication executed by the second communication protocol; and

second communication mean (Bluetooth module, Kotola page 11, paragraph 0108, lines 18-21) for executing the communication by the second communication protocol (Bluetooth) between each communication apparatus and the other communication mean based on the communication information exchanged by the exchange means.

Referring to claim 8, Kotola discloses, a communication apparatus for executing a communication between the communication apparatus and other communication apparatus (Mobile terminals 902 and 904, Kotola Fig. 9), comprising:

first communication mean (RF-ID Module 904 and 906, Kotola page 11, lines 2-3 and Fig. 9) for executing a communication between the communication apparatus and other communication apparatus by a first communication protocol (THE RF ID reader devices utilize the near field communication standard ECMA 340 to provide the RF ID functionality, Kotola page 7, paragraph 0073, lines 1-7);

acquisition means (RF ID interrogation signal 910, Kotola page 11, paragraph 0108, lines 1-13) for acquiring the information of a communication available by the other communication apparatus through the communication executed by the first communication protocol;

exchange means (In response to RF ID Interrogation signal 910, the target responds with RF ID response signal 912 which includes the Bluetooth address of the

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Bluetooth module in the device, to begin the process of switching from NFC/RF-ID communications to Bluetooth, Kotola page 11, paragraph 0108 lines 6-13 and Figs. 9 and 9A) for exchanging communication information necessary to a communication executed by a second communication protocol (Bluetooth, Kotola, page 11, paragraph 0108 lines 11-13) included in a communication protocol available by the other communication apparatus between the communication apparatus and the other communication apparatus by the communication executed by the first communication protocol;

switching means (terminal control circuit, Kotola page 11, paragraph 0108, lines 18-21) for switching the communication between each communication apparatus and the other communication apparatus from the communication executed by the first communication protocol to the communication executed by the second communication protocol; and

second communication mean (Bluetooth module, Kotola page 11, paragraph 0108, lines 18-21) for executing the communication by the second communication protocol (Bluetooth) between each communication apparatus and the other communication mean based on the communication information exchanged by the exchange means.

As per claim 9, Kotola discloses, a communication apparatus according to claim 8, wherein the communication executed by the first and second communication protocols is a wireless communication (both NFC according to the ECMA 340 standard

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and Bluetooth are wireless communication methods, Kotola page 11, paragraph 0108, lines 1-4 and 18) and when the other communication apparatus is located in the vicinity of the communication apparatus, the first communication mean executes the communication by the first communication protocol (when the terminal 904 comes within the range of signal 910, it enters into process 911, Kotola page 11, paragraph 0108, lines 7-9 and Figs. 9 and 9A) between the communication apparatus and the other communication apparatus.

As per claim 10, A communication apparatus as in claim 9, wherein, in the first communication protocol, the communication is executed by specifying the other communication apparatus located in the vicinity of the communication apparatus (when the terminal 904 comes within the range of signal 910, it enters into process 911, Kotola page 11, paragraph 0108, lines 7-9 and Figs. 9 and 9A).

Referring to claim 11, similar limitations as in claim 8 are recited. Therefore the rejection of claim 8 applies to claim 11.

Referring to claim 12, similar limitations as in claim 8 are recited. Therefore the rejection of claim 8 applies to claim 12.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUSHAR S. SHAH whose telephone number is (571)270-1970. The examiner can normally be reached on Mon-Fri 7:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Henry Tsai can be reached on 571-272-4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. S. S./
Examiner, Art Unit 2184

/Alford W. Kindred/
Supervisory Patent Examiner, Art Unit 2181